

# **FREDERICK COUNTY PLANNING COMMISSION**

**October 10, 2018**

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**TITLE:** **Dynamic Automotive (Old National Pike)**  
**FILE NUMBER:** **SP-18-04, AP# 18534, AFPO# 18365, FRO# 18535; SWM# 18584**

**REQUEST:** **Site Development Plan Approval**  
The Applicant is requesting Site Development Plan approval for a 5,400 s.f. Automotive Repair and Service Shop located on a 1.54-acre Site.

## **PROJECT INFORMATION:**

**ADDRESS/LOCATION:** Located on the northwest corner of the intersection of Old National Pike and Mussetter Road near New Market  
**TAX MAP/PARCEL:** TM 79; Parcel 27  
**COMP. PLAN:** General Commercial (GC)  
**ZONING:** General Commercial (GC)  
**PLANNING REGION:** New Market  
**WATER/SEWER:** W-5; S-5

## **APPLICANT/REPRESENTATIVES:**

**APPLICANT:** Bueso, Forman & Myers, LLC  
**OWNER:** - same -  
**ENGINEER:** B&R Design Group  
**ARCHITECT:** N/A  
**ATTORNEY:** N/A

**STAFF:** Denis Superczynski

**RECOMMENDATION:** Conditional Approval

## **ATTACHMENTS:**

EXHIBIT 1- Site Plan Rendering  
EXHIBIT 2- Modification Requests  
EXHIBIT 3 – APFO Letter of Understanding (LOU)

# STAFF REPORT

## Development Request

The Applicant is requesting Site Development Plan approval for a 5,400 s.f. Automotive Repair and Service Shop located on a 1.54-acre Site. The proposed use is permitted in the General Commercial (GC) District with Site Development Plan approval under Section 1-19-5.310 (Use Table) of the Zoning Ordinance as “Automobile repair and service shop” under the heading of *Automobile and Related Services*.

The proposed plan includes:

### Plan Details:

- Demolition of an existing residence, shed, and clearing of existing driveway and landscaping.
- Construction of a new 5,400 s.f. building with offices and 4 vehicle service bays for automobile service and repair
- Relocation of driveway onto Mussetter Road
- Building and landscape design consistent with the Maryland Historic National Road Scenic Byway design guidelines



Figure 1 - Aerial view toward the north. Existing structures on the Site are visible on the northwestern corner of the property.

## **BACKGROUND**

### **Development History and Existing Site Characteristics**

An existing, 1,100 s.f. single-family residence constructed in the early 1950's currently sits on the Site along with a residential garage and a small shed.

The current proposal seeks to maintain the existing garage while removing the remaining structures and landscaping.

The parcel is relatively flat, with a 6-8 ft. fall-off across the Site. The Site is currently served by an existing well and on-site septic system which will be removed/abandoned per Health Department regulations.

Surrounding land uses include:

North: a preschool is located adjacent to the Site; further north is dominated by residential subdivisions

South: three commercial properties are located across Old National Pike; further south, Mussetter Road becomes predominantly rural with low density residential development and small farms; all properties in the immediate vicinity of the proposal are zoned GC

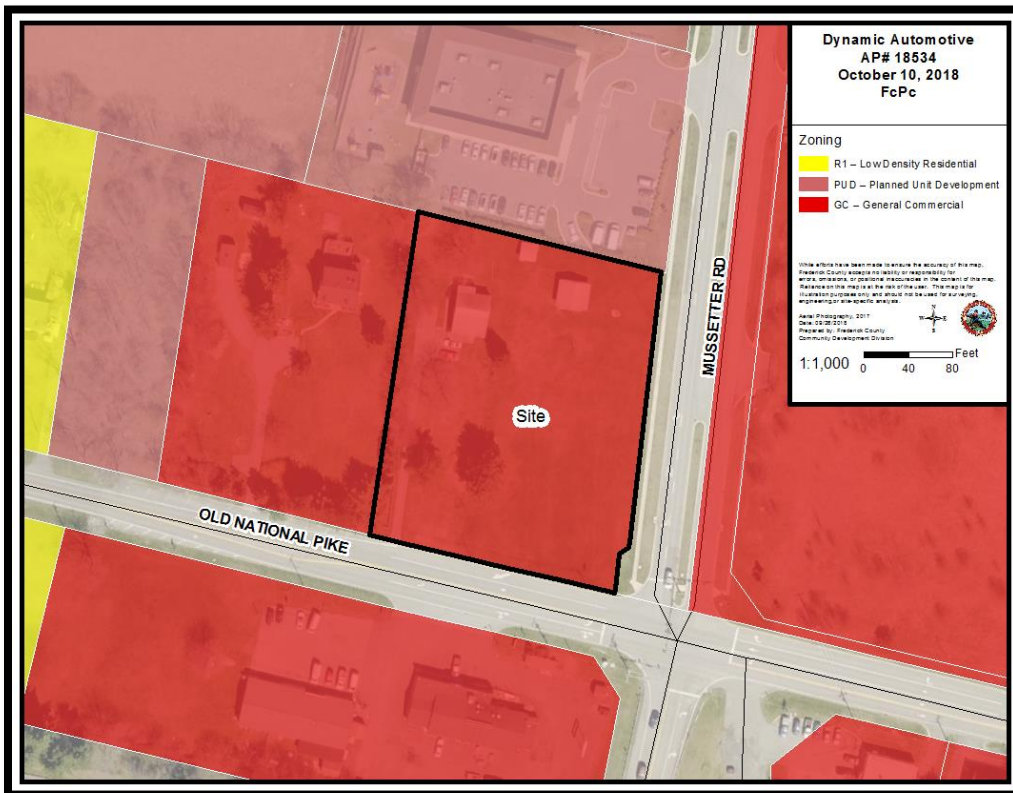
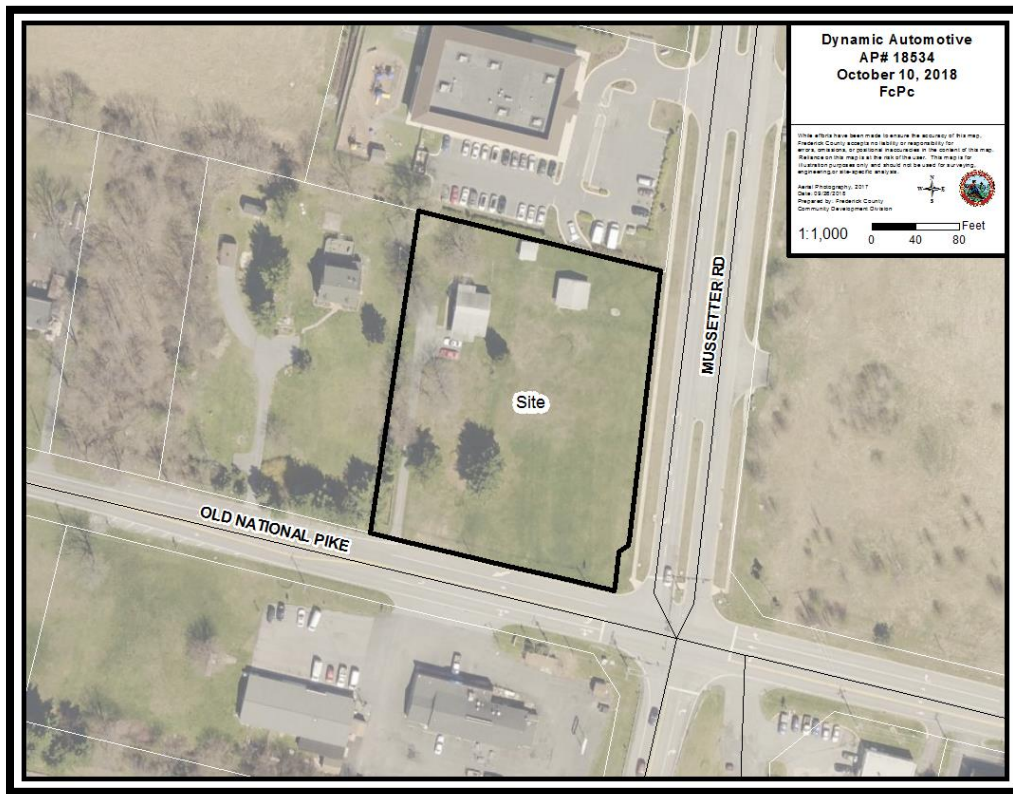
East: More commercial uses are located east of the Site; the Town of New Market is located along Old National Pike to the east, as well

West: Low-density residential (R-1 zoning) and PUD zoning predominate to the west

I-70 is located approximately 275 feet south of the proposed automotive repair shop.



Figure 2- View to east toward intersection of Old National Pike and Mussetter Road



## **ANALYSIS**

### **Summary of Development Standards Findings and Conclusions**

#### **Detailed Analysis of Development Standards**

Site Development Plan Approval shall be granted based upon the criteria found in:

**Site Development §1-19-3.300.4 (A):** *Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.*



**Figure 3 - Aerial view toward the east showing the Old National Pike and Mussetter Road intersection.**

## **Findings/Conclusions**

1. **Dimensional Requirements/Bulk Standards:** The Zoning Ordinance establishes the dimensional standards in the GC District in §1-19-6.100:

|                                     |  |                         |
|-------------------------------------|--|-------------------------|
| Maximum Height Allowed:             | 60 ft.                                   |                         |
| Maximum Height Proposed (existing): | < 30 ft.                                 |                         |
| Front Yard Required:                | 25 ft. (Old National Pike);              | 25 ft. (Mussetter Road) |
| Front Yard Provided:                | 30 ft. (Old National Pike);              | 80 ft. (Mussetter Road) |
| Rear Yard Required:                 | N/A (corner lot)                         |                         |
| Rear Yard Provided:                 | N/A (corner lot)                         |                         |
| Side Yard Required:                 | 8 ft.                                    |                         |
| Side Yard Provided:                 | 175 ft. (north side); 80 ft. (west side) |                         |

2. **Signage §1-19-6.300:** The Applicant is proposing a building-mounted sign, a directional sign to be placed near the Mussetter Road entrance drive, and a freestanding monument sign to be located on the southeastern corner of the property. All signage will be subject to the sign requirements of the Zoning Ordinance and will be subject to a Sign Permit. The calculation for permitted signage for commercial uses is as follows:

|                           |   |
|---------------------------|---|
| Building Frontage:        | 160 feet  |
| Max. Permitted sign area: | $10 \times \text{Square Root of } 160 = 126.5 \text{ s.f.}$ |
| Maximum sign height:      | 25 feet   |
| Signage Area Proposed:    | <i>Application does not provide proposed sign area</i>      |

The Applicant shall provide a measured drawing of the proposed signage prior to final site plan Approval, to demonstrate consistency with the images shown in the rendering.

3. **Landscaping §1-19-6.400:** The landscaping plan, which retains much of the existing vegetation on the Site, provides screening and shade cover over a significant portion of the parking area, and successfully integrates existing trees into the new landscape.

### **Street Trees**

The Applicant has provided sixteen (16) street trees along the Old National Pike and Mussetter Road frontages (525 feet). The Applicant proposes the planting of seven (7) Red Maples along the Old National Pike frontage while planting nine (9) London planetrees along the Mussetter Road frontage on the eastern side of the Site. The total number of proposed street trees exceeds the requirement by one tree:

Required:  $1 \text{ tree per } 35 \text{ ft. of road frontage} = 525 \text{ feet} / 35 = 15 \text{ trees}$   
Provided: 16 trees

The London planetrees can achieve a canopy diameter of 75-85 feet, and in this case, will provide a significant amount of canopy cover shading within the parking areas and drive aisle on the east side of the building.

#### Land Use Buffering and Screening

Buffering of the adjacent residential land use is unaddressed in this site plan since the Zoning Ordinance only requires a conventional vegetative or built screen to block the view from residentially zoned property. The adjacent home is located on property zoned General Commercial. However, the Applicant has provided parking area screening which effectively screens some of the view of this use from this existing home.

#### Parking Area Landscaping

Planting areas bracketing the parking bays are planted adequately. The single location where this is not the case (west side of 3-space bay near the existing garage) cannot support a tree due to the proposed sewer line and utility easement. The parking area shade tree canopy requirement of twenty percent, is far exceeded in this plan due primarily to the extensive and broad growth habit of the London planetrees along the Mussetter Road frontage. The approximate proposed canopy cover (warm-season shade) approaches 35%. Other parking lot landscaping is appropriate to the use and location and is consistent with the requirements of the Zoning Ordinance.

| <u>Planting</u> | <u>Required</u>               | <u>Provided</u>               |
|-----------------|-------------------------------|-------------------------------|
| Street Trees    | 15                            | 16                            |
| Veg. Screen     | approx. 420 ft. (parking lot) | 108 shrubs (4-season species) |

4. **Lighting §1-19-6.500:** The Applicant proposes the installation of 7 light poles at a height of 18 feet (ground level to point of illumination) carrying 8 LED luminaries. The proposed 18 foot lighting height is permitted for GC uses. Some modest light spillover onto the Mussetter Road right-of-way is proposed to provide a slight increase in illumination at the entrance drive. A modification request has been submitted by the Applicant and Staff have no reservations with a Planning Commission approval of the request. The Applicant shall indicate on the site plan (Note #24.1), that the lights will be downward casting and fully shielded to prevent light trespass onto adjoining properties, roadways, and the nighttime sky.

#### ***Transportation and Parking §1-19-3.300.4 (B):***

*The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

1. **Access/Circulation:** The design of the proposed development relies on a single driveway access point onto Mussetter Road and an internal drive aisle network that facilitates efficient movement through and within the Site. Four vehicle service bays are located on the east side of the building and ample space is given over to vehicle maneuvering near these bay doors. There are no obvious on-site conflict points of note for vehicles or pedestrians negotiating the high activity areas on the building's Mussetter Road side. Adequate spaces have been provided to accommodate vehicles dropped off for daytime or next-day service. A parking modification has been submitted to cover these additional spaces.

Pedestrian facilities in this site plan are designed to provide safe and convenient movement within the vicinity of the office and service bays. An existing sidewalk extends along the entire Mussetter Road frontage, but no sidewalk exists, or is proposed along Old National Pike. At some point in the

future, the County may rehabilitate Old National Pike between New Market and Meadow Road, at which time a comprehensive sidewalk may be considered, but in the meantime, it is best to not create a dead-end sidewalk to be consistent with ADA guidelines which discourages this.

2. **Public Transit:** The Site is not served by public transit.

3. **Parking:** Section 1-19-6.220 of the Zoning Ordinance:

Required Parking Spaces

Auto Sales and Service –

2 spaces/service bay (8 bays) + 1.5 spaces per employee (8 employees) = **28 spaces**

Proposed On-Site Parking Spaces –

**37 spaces**

In accordance with the design guidelines for development along the Maryland Historic National Road Scenic Byway, the Applicant has proposed parking areas that are located to the side and rear of the building, as seen from the Old National Pike. Additionally, the proposal places 60% of the parking to the side and rear of the building as seen from Mussetter Road. Despite the corner location (two front yards), this Applicant has made the effort to minimize the visual impact of parking spaces in the GC zoning district and this is laudable. Staff has no objection to the proposed Parking Modification request submitted by the Applicant to allow for 9 additional on-site parking spaces to accommodate vehicle drop offs by customers.

Loading Spaces

Two (2) small loading spaces are identified on the site plan in compliance with the requirement for:

- 1 large space or 2 small spaces provided for a miscellaneous commercial use > 5,000 s.f./gfa

The proposed loading spaces meet the minimum requirement of Section 1-19-6.210 of the Zoning Ordinance and are located outside of high activity areas.

4. **Pedestrian Circulation and Safety §1-19-6.220 (G):** Pedestrian facilities in this site plan are designed to provide safe and convenient movement within and across the Site by providing sidewalks as well as a covered entrance area that facilitates pedestrian movement between the office area and service bays.

The Applicant has demonstrated that the Site meets the pedestrian access requirements as established by the Zoning Ordinance and other relevant codes and standards. The Applicant, in this instance, is not required to install a sidewalk along the Old National Pike frontage of the property. Staff have determined that, in this case, the sidewalk segment, once constructed, would remain an orphaned segment with no reasonable timeline for completion of its ultimate connection to Meadow Road.

5. **Bicycle Parking §1-19-6.220 (H):** The Applicant has provided a location for bicycle parking in accordance with the Zoning Ordinance:

Commercial uses > 5,000 sf gfa (1 rack per 20 vehicular parking spaces)

Required: 2 racks

Proposed: 3 racks

The calculation provided on the site plan overestimates the required number of racks. The Applicant may reduce the number to 2 racks, or keep the three shown on the plan.

**Natural features §1-19-3.300.4 (D):** *Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

### **Findings/Conclusions**

1. **Topography:** The Site is relatively flat and has been developed as a single family residence.
2. **Vegetation:** Most of the Site is developed with a house, garage, shed, and driveway. A half-dozen non-specimen trees are located on the western side of the property. None of these trees will remain after redevelopment. The remainder of the Site is planted in turf.
3. **Sensitive Resources:** There are no sensitive resources located on the Site.
4. **Natural Hazards:** There are no natural hazards located on the Site.

**Common Areas §1-19-3.300.4 (E):** *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

### **Findings/Conclusions**

1. No public plaza or green space is required as a result of this proposed activity.

### **Other Applicable Regulations**

**APFO – Chapter 1-20:** A Letter of Understanding is attached which describes appropriate mitigation for Site impacts.

**Schools:** Schools are not impacted because the development of the property is a non-residential use.

**Water and Sewer:** The Site currently has water and sewer classifications W-5/S-5 Dev, and upon site plan approval, the Applicant shall submit an application for reclassification to W-3/S-3 Dev. The Applicant shall also extend public sewer service to the property.

**Road Improvements:** The Project will generate 13 AM and 25 PM weekday peak trips as identified in a traffic brief, dated February 20, 2018, by Traffic Concepts, Inc., which is under the 50 trip APFO testing threshold per Section 1-20-30. In satisfaction of APFO requirements to provide fair share contributions to existing escrow accounts per Section 1-20-12(H), the Applicant shall pay \$18,936 to the existing road escrow accounts.

**Period of Validity:** The APFO approval is valid for three (3) years from the date of Commission anticipated approval per Section 1-20-8(D)(3); therefore, the APFO approval would expire on October 10, 2021.

**Forest Resource – Chapter 1-21:**  
The Combined Preliminary/Final

Forest Conservation Plan was

**Dynamic Automotive (New Market) – Site Plan**

October 10, 2018

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approved on August 6, 2018. FRO mitigation must be provided by the purchase of banking credits prior to applying for permits.

***Historic Preservation – Chapter 1-23:***

The Site is located along the Maryland Historic National Road, a federally-designated National Scenic Byway. Under the National Scenic Byways Program, the U.S. Secretary of Transportation recognizes certain roads as National Scenic Byways or All-American Roads based upon their archaeological, cultural, historic, natural, recreational, and scenic intrinsic qualities. To receive an All-American Road designation, a road "...must possess multiple intrinsic qualities that are nationally significant and contain one-of-a-kind features that do not exist elsewhere. The road or highway must also be considered a destination unto itself. That is, the road must provide an exceptional traveling experience so recognized by travelers that they would make a drive along the highway a primary reason for their trip."

The Maryland Department of Transportation designated the Historic National Road a Maryland Scenic Byway in 1996. The Road was designated an All-American Road National Scenic Byway by the Federal Highway Administration in 2002. In Frederick County, development along the National Road is guided by a set of design guidelines published in Context Sensitive Solutions For work on Maryland Byways (2008, MD SHA).

The Applicant has worked with Staff and embraced the spirit of the Scenic Byway by providing architectural articulation of the building's southeastern corner that is reminiscent of pre-1940 vernacular commercial structures along this roadway. The entrance porch which wraps the southeastern corner of the building, creates an inviting, human-scaled space that faces the public street intersection and avoids the more contemporary approach that might nestle the entrance into an interior location. The building's scale is modest and not out of character for earlier 20<sup>th</sup> century structures found along the corridor. The building is also pushed forward to face the Old National Pike, approximating more closely the traditional setback distance between the edge of the roadway and the buildings that were constructed in the first 150 years of the road's existence.



Figure 5 - Building rendered as seen from intersection of Old National Pike and Mussetter Road (facing northwest)

Proposed signs for the Site include a building-mounted sign on the Old National Pike frontage, and a freestanding (monument) sign at the southeastern corner of the Site that provides adequate commercial visibility while respecting the scenic byway. Proposed signage must meet all zoning requirements at the time of permit application.



Figure 6 - Old National Pike Elevation

Landscaping along the Old National Pike frontage sufficiently screens the parking area while maintaining a clear view of the building from the roadway. Street tree species are native, and have been chosen to provide an excellent frame for the redevelopment of the Site. The London planetree, in particular, offers a spectacular addition to the Site, with the ability to provide copious amounts of shade within the parking area as it grows and matures. From the standpoint of the scenic byway, the sixteen street trees proposed are location-appropriate, and represent an excellent model for development along the corridor.

Staff finds the site plan consistent with the most important of the guidelines established for the Maryland Historic National Road corridor.



Figure 15 - Mussetter Road elevation

#### Summary of Agency Comments

| <b>Other Agency or Ordinance Requirements</b> | <b>Comment</b>         |
|---|------------------------|
| <b>Development Review Engineering (DRE):</b>  | Conditionally Approved |
| <b>Development Review Planning:</b>           | Conditionally Approved |
| <b>State Highway Administration (SHA):</b>    | Waived                 |
| <b>DUSWM</b>                                  | Approved               |
| <b>Historic Preservation</b>                  | Approved               |
| <b>Forest Resource (FRO)</b>                  | Approved               |
| <b>Health Dept.</b>                           | Conditionally Approved |
| <b>Office of Life Safety</b>                  | Approved               |
| <b>Street Naming</b>                          | Approved               |
| <b>DPDR Traffic Engineering</b>               | Conditionally Approved |
| <b>APFO</b>                                   | Approved               |

## **RECOMMENDATION**

Staff has no objection to conditional approval of the proposed site development plan and requested modifications. If the Planning Commission conditionally approves the plan, the site plan is valid for a period of three (3) years from the date of Planning Commission approval and will therefore expire October 10, 2021. Based on the discussion in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, APFO and FRO requirements once the following conditions are met:

1. The Applicant shall comply with all Staff and agency comments through the completion of the plan.
2. The Applicant shall provide a measured drawing of the proposed sign prior to final site plan approval, consistent with the image shown in the rendering, or otherwise approved by the Planning Commission.
3. The Applicant shall indicate on the site plan (Note #24.1), that the lights will be downward casting and fully shielded to prevent light trespass onto adjoining properties, roadways, and the nighttime sky.
4. The Applicant must receive a water/sewer reclassification to W-3/S-3 prior to applying for building permits.
5. The Applicant shall substitute an overstory (native deciduous shade tree) for three of the Eastern Redbud trees being utilized as parking lot canopy trees on the site plan.

### **Planning Commission approval of the following modification requests from the Applicant:**

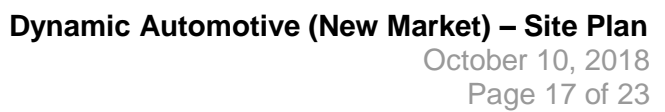
1. Modification to permit 37 parking spaces where the target number is 28 spaces per the Zoning Ordinance.
2. Lighting modification to allow some modest light spillover into the vehicular entrance area along Mussetter Road, per the revised modification request.

## PLANNING COMMISSION ACTION

### MOTION TO APPROVE

I move that the Planning Commission **APPROVE** Site Development Plan SP-80-13 (AP#18534), including APFO approval (18365), for the proposed **Dynamic Automotive (New Market) Site**, with **conditions and modifications** as specified in the Staff Report.

## **EXHIBIT 1 – Site Plan Rendering**



## **EXHIBIT 2 – Modification Requests**

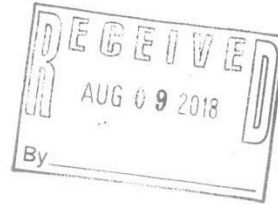


300 West Patrick St. • Frederick • Maryland • 21701 • Phone: (301) 668-0505 • Fax: (301) 668-0507

July 11, 2018

Mr. Denis Superczynski  
Planning and Permitting  
32 N. Market St.  
Frederick, MD. 21701

Subject: Dynamic Automotive  
Site Plan 18534 SP18-04  
B & R No. 03-155



Dear Denis:

On behalf of the applicant, Dynamic Automotive, we respectfully request the Planning Commission's approval of the following proposed modifications to the requirements of section 1-19-6.220 entitled 'Parking Space requirements and Dimensions' and to section 1-19-6.500 entitled 'Lighting' for the Site Plan application.

Modification Requested – Parking modification to grant an increase in the number of parking spaces under section 1-19-6.220 (A)(2).

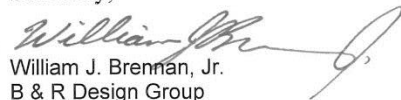
This request is for an increase in the number parking spaces then the recommended allotment as listed in table 1-19-16.2220(A)(4). The required parking for this type of facility is based on two space for each service bay and 1.5 spaces for each employee. This guideline requires 28 spaces for the facility. The applicant is requesting that each service bay be allotted approximately three spaces per service area. Based on experience at their other locations, the applicant anticipates that the customers will use the early bird drop off service and pick-up their vehicle the next day; therefore, the request for the additional nine spaces.

Modification Requested – Street Tree plantings and Parking area buffering.

The applicant is requesting the Planning Commission permit an increase in the allowable foot-candle limit from 0.5 to 1.1 at the site's entrance. Under Division 5, Section 1-19-6.500(D), the code states that the lighting levels should not exceed 0.5 foot-candles at the property line. The applicant is requesting an increase in the lighting levels from 0.5 FC to 1.1 FC in order to provide better lighting at the site's entrance.

Thank you for your consideration of this request, which supports the permitted use of the property.

Sincerely,

  
William J. Brennan, Jr.  
B & R Design Group

### **EXHIBIT 3 – APFO LOU**



## FREDERICK COUNTY GOVERNMENT

### DIVISION OF PLANNING & PERMITTING

Department of Development Review

Jan H. Gardner  
County Executive

Steven C. Horn, Division Director  
Michael L. Wilkins, Acting Director

#### ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING

### Dynamic Automotive

Site Plan #18-04, AP #18365

**In General:** The following Letter of Understanding ("**Letter**") between the Frederick County Planning Commission ("**Commission**") and Bueso, Forman & Myers, LLC (the "**Developer**"), together with its/their successors and assigns, sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with school, water, sewer, and road improvements that must be in place for the property identified below to be developed, as proposed under the Dynamic Automotive Site Plan (the "**Project**"), in compliance with the Frederick County Adequate Public Facilities Ordinance ("**APFO**").

The Developer, its successors and assigns, hereby agrees and understands that unless the required improvements (or contributions to road escrow accounts, as specified below) are provided in accordance with this Letter, APFO requirements will not be satisfied and development will not be permitted to proceed.

This Letter concerns itself with the Developer's 1.54 +/- acre parcel of land, which is zoned General Commercial, and located in the northwest quadrant of the intersection of Old National Pike and Mussetter Road. This APFO approval will be for the development of a proposed 5,400 square foot Automotive Care Center, which is shown on the site plan for the above-referenced Project, which was conditionally approved by the Commission on October 10, 2018.

**Schools:** Schools are not impacted because the development of the property is a non-residential use.

**Water and Sewer:** The site currently has water and sewer classifications W-5/S-5 Dev, and upon site plan approval, the Developer shall submit an application for reclassification to W-3/S-3 Dev. The Developer shall also extend public sewer service to the property.

While the public sewer and water facilities are currently adequate to serve the project, the Developer recognizes that capacity is not guaranteed until purchased. APFO approval for sewer and water does not guarantee that plats will be recorded or that building permits will be issued. Plat recordation and building permit issuance are subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512, et seq. and all applicable County regulations, including but not limited to Sec. 1-16-106 of the Frederick County Subdivision Regulations.

*Frederick County: Rich History, Bright Future*

30 North Market Street, Frederick, MD 21701 • 301-600-1138 • Fax 301-600-1645  
[www.FrederickCountyMD.gov](http://www.FrederickCountyMD.gov)

**Road Improvements:** The Project will generate 13 AM and 25 PM weekday peak trips as identified in a traffic brief, dated February 20, 2018, by Traffic Concepts, Inc., which is under the 50 trip APFO testing threshold per Section 1-20-30. In satisfaction of APFO requirements to provide fair share contributions to existing escrow accounts per Section 1-20-12(H), the Developer shall pay into the County-held escrow accounts the following pro rata contributions:

1. Old National Pike/Boyers Mills Signal - the Applicant shall contribute the appropriate pro-rata share to Existing Escrow Account No. 3322 for the existing signal. The estimated cost of the intersection improvement is \$ 160,000. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.71%. Therefore the Developer hereby agrees to pay \$1,136 to the escrow account for this Road Improvement
2. Meadow Road/I-70 Westbound On-ramp - the Applicant shall contribute the appropriate pro-rata share to Existing Escrow Account No. 3937 for the existing interchange reconstruction. The estimated cost of the intersection improvement is \$ 3,000,000. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.16%. Therefore the Developer hereby agrees to pay \$4,800 to the escrow account for this Road Improvement
3. Meadow Road/I-70 Eastbound Off-ramp - the Applicant shall contribute the appropriate pro-rata share to Existing Escrow Account No. 3938 for the existing interchange reconstruction. The estimated cost of the intersection improvement is \$ 8,000,000. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.15%. Therefore the Developer hereby agrees to pay \$12,000 to the escrow account for this Road Improvement
4. Old National Pike/Eaglehead Road Roundabout - the Applicant shall contribute the appropriate pro-rata share to Existing Escrow Account No. 4097 to widen the existing roundabout from one to two lanes. The estimated cost of the intersection improvement is \$ 200,000. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.50%. Therefore the Developer hereby agrees to pay \$1,000 to the escrow account for this Road Improvement


**Therefore, prior to building permit issuance, the Developer hereby agrees to pay \$18,936** to the escrow accounts described above for these Road Improvements. Should these payments not be made within one year of the execution of this Letter, the County reserves the right to adjust this amount, based on an engineering cost index.

**Period of Validity:** The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval expires on October 10, 2021.

**Disclaimer:** This Letter pertains to APFO approval only, and shall not be construed to provide any express or implied rights to continue the development process. The Project remains subject to all applicable rules and regulations, including but not limited to those related to zoning, water and sewer, and subdivision. The Planning Commission's jurisdiction and authority is limited by State and County law, and approvals may be required from other local or state governmental agencies before the proposed development can proceed.

Page 2  
Dynamic Automotive LOU

BUESO, FORMAN & MYERS, LLC

By:  Date: 9-7-18  
Jose Bueso, Managing Member

**FREDERICK COUNTY PLANNING COMMISSION:**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Robert White, Chair or Carole Sepe, Secretary

**ATTEST:**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Gary Hessong, Director, Permits & Inspections

*Planner's Initials / Date* \_\_\_\_\_

*County Attorney's Office Initials / Date* \_\_\_\_\_  
(Approved as to legal form)

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Dynamic Automotive LOU